

REMARKS

This is a resubmission, in proper format, of the amendment filed on or about November 8, 2005.

Reconsideration of the above-identified application in view of the preceding amendments and the following remarks is respectfully requested. First the applicant and her attorneys wish to thank the Examiner for the indication of the allowable subject matter in original claims 2 and 12.

With respect to the rejection of claims 1, 8, 10 and 11 on grounds of obviousness in light of the teachings of four United States patents, including early U.S. Patent No. 610,194 to *Neil*, firstly it is submitted that the objection to claims 1, 8, 10 and 11 has been overcome by the inclusion of the subject matter of original claim 2 in claim 1. Since claim 2 was indicated as containing allowable subject matter on page 4 of the Office Action, it is submitted that claim 1 and the claims dependent thereon are now in condition for allowance. Claim 1 now specifies that the upstanding wall portion is "relatively short in height compared to said cover member." Furthermore, the claim requires that the wall section of the cover member has the "plurality of openings".

With respect to the primary reference to *Neil*, this reference is directed to a photographer's lantern which has folding sidewalls, a detachable base and a top. One of the sidewalls is formed with a single large opening which is covered with a panel of transparent or translucent material, this panel being secured in place by flanges. It does not appear that any air can pass through the opening in the side of the lantern due to the presence of this panel. The openings for the admission of air into the interior of the lantern are formed in the top and bottom members which are constructed with double walls in order to intercept light rays. Air can enter through the bottom of the lantern through an opening n^4 formed in the exterior plate of the bottom. The top is substantially like the base in its construction and has an opening s through its inner plate and openings t in the top plate to provide ventilation.

As appears to be appreciated by the Examiner, amended claim 1 distinguishes over the *Neil* reference by reciting such features as the following:

- (1) A base unit for holding a candle, this unit having an upstanding wall portion that extends upwardly from the support surface for the candle;
- (2) A peripherally extending wall section of a cover member which has a plurality of openings located between the support surface and the stop, each opening

being formed by partially cutting out and bending inward a small section of said peripherally-extending wall section;

(3) At least some of said openings being located at a height corresponding approximately to the height of the candle when the candle is mounted on the support surface.

New dependent claim 23 corresponds to withdrawn claim 9 and has been added because allowable claim 1 is a generic claim. Under 37 CFR 1.41 applicant is now entitled to consideration of claim 23 for another species as it is a dependent claim which includes all of the limitations of the generic claim 1. If the Examiner would prefer that the applicant reinstate claim 9, then this is acceptable to the applicant and new claim 23 can be cancelled.

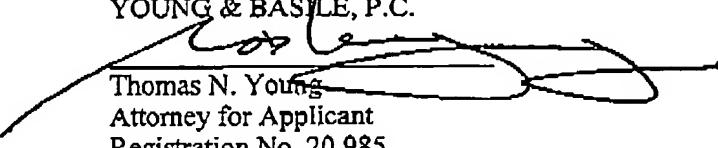
Claim 12 has been rewritten as an independent claim and it includes all of the subject matter of original claims 1, 8 and 12. Since claim 12 was indicated as containing allowable subject matter, it is submitted that independent claim 12 is now in condition for allowance. Claim 12 requires that the candleholder include a rim formed with holes that can be used during use of the candleholder to secure the candleholder to the ground by means of U-shaped wire anchors that extend through the holes. The candleholder of claim 12 also includes the feature of at least several of the U-shaped wire anchors with each wire anchor having two parallel prongs.

With respect to the amendments to the specification, original paragraphs 12 to 15 are being deleted at this time as they were directed to aspects of the invention which are no longer claimed in the application. However, the applicant does reserve the right to file one or more divisional applications directed to these other aspects of the invention.

It is respectively submitted that all of the claims now remaining in the application are in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Applicant: Corazon D.N. Bryce

Serial No.: 10/734,832

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Examiner/Art Unit: James W. Cranson/2875

Title: CANDLEHOLDER

CERTIFICATE OF FACSIMILE TRANSMISSION

Sir:

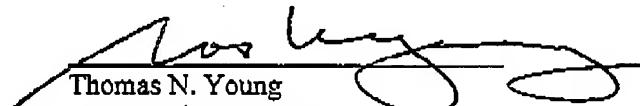
Transmitted with this document is an Amendment in the above-identified application.

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I hereby certify that this correspondence was transmitted, via Facsimile (571) 273-8300, to Examiner James W. Cranson, Group Art Unit 2875 on December 21, 2005.

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